

THE PROTECTION OF LAWFUL
COMMERCE IN ARMS ACT**HON. TOM UDALL**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to H.R. 1036, the Protection of Lawful Commerce in Arms Act. As a former federal prosecutor and the Attorney General of New Mexico, I have seen first hand that crimes committed with guns are among the most heinous, and should be prosecuted as quickly and forcefully as possible.

That is what concerns me most about H.R. 1036. Unfortunately, regardless of the criminal actions taken, it provides the gun industry with unprecedented immunity against civil liability prosecutions arising from such actions. Furthermore, in many cases it exempts manufacturers and dealers from product liability and provides disincentives to the industry to ensure that their products are safe. This legislation radically rewrites well-accepted principles of liability law by depriving gun violence victims of their legal rights in cases involving industry misconduct and negligence. If this bill is enacted, citizen lawsuits will no longer provide the primary mechanism to hold the gun industry accountable for its actions.

The bill only holds the gun industry accountable for physical injuries or property damage resulting directly from a defect in design or manufacture of the product "when used as intended." Furthermore, it only provides a remedy for gun transactions that cause injury if the dealer had knowledge prior to the transaction that the firearm would be used to commit a violent crime or to traffic drugs. This bill diminishes and limits a victim's recourse against intentional and unintentional conduct.

Amazingly, this bill is retroactive. It would provide for the dismissal of all pending litigation that falls outside of its limited exceptions. A case that is familiar to us all demonstrates the ramifications of this bill. The legal counsel for the families of the recent sniper shootings in the DC area alleges that a west coast arms dealer "intentionally and willfully" chose to sell and distribute firearms in a grossly negligent manner, ignoring state and federal laws designed to keep guns out of the hands of dangerous persons. Furthermore, the families claim that if the dealer had acted responsibly in the sale of its guns, the sniper suspects would not have been able to obtain the assault rifle they used to carry out their shootings. Regardless of the veracity of these allegations, this case would be dismissed under the provisions of H.R. 1036 unless the sniper suspects clearly indicated to the dealer that they intended to carry out their recent shooting spree. I think that goes too far.

The bottom line is this legislation is bad public policy. This bill illuminates the majority's willingness to erode an individual's protections from corporate wrongdoing. I oppose passage of this bill and urge my colleagues to do so as well.

REMEMBERING THE ARMENIAN
GENOCIDE

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. CAPUANO. Mr. Speaker, I rise for the fifth consecutive year to commemorate a people who despite genocide, hardship, and betrayal have persevered. April 24, 2003, marks the 88th anniversary of the Armenian Genocide.

Throughout three decades in the late nineteenth and early twentieth centuries, millions of Armenians were systematically uprooted from their homeland of three thousand years and deported or massacred. From 1894 through 1896, three hundred thousand Armenians were ruthlessly murdered. Again in 1909, thirty thousand Armenians were massacred in Cilicia, and their villages were destroyed.

On April 24, 1915, two hundred Armenian religious, political, and intellectual leaders were arbitrarily arrested, taken to Turkey and murdered. This incident marks a dark and solemn period in the history of the Armenian people. From 1915 to 1923, the Ottoman Empire launched a systematic campaign to exterminate Armenians. In eight short years, more than 1.5 million Armenians suffered through atrocities such as deportation, forced slavery and torture. Most were ultimately murdered.

I have had the privilege of joining my colleagues in a letter to the President asking that he acknowledge the Genocide in his April 24th commemoration statement. It is my hope that the President will stand by this pledge he made in 2000. It is my hope that this will be one more step toward official recognition of the Armenian Genocide by the United States.

Many of our companions in the international community have already taken this final step. The European Parliament and the United Nations have recognized and reaffirmed the Armenian Genocide as historical fact, as have the Russian and Greek parliaments, the Canadian House of Commons, the Lebanese Chamber of Deputies and the French National Assembly. It is time for America to join the chorus and acknowledge the Armenians who suffered at the hands of the Ottoman Empire. And let me stress that I am not speaking of the government of modern day Turkey, but rather its predecessor, which many of Turkey's present day leaders helped to remove from power.

As I have in the past, as a member of the Congressional Armenian Caucus, I will continue to work with my colleagues and with the Armenian-Americans in my District to promote investment and prosperity in Armenia. And, I sincerely, hope that this year, the U.S. will have the opportunity and courage to speak in support of the millions of Armenians who suffered because of their heritage.

CONTINUED REPRESSION IN CUBA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues the April

12, 2003, editorial from the Lincoln Journal Star, entitled "Castro shows he is still a brutal tyrant." As the editorial correctly notes, Cuban dictator Fidel Castro's recent crackdowns on political dissent cannot be tolerated.

CASTRO SHOWS HE IS STILL A BRUTAL TYRANT

Early this year, the College of Journalism and Mass Communications at the University of Nebraska arranged a trip to Cuba for students in its depth reporting class.

The students made an effort to talk to dissenters, pro-democracy activists and independent journalists.

Today, six of the people they met are in prison, according to student Sarah Fox. In addition, two Cubans met by the UNL group have been identified as government spies, according to Professor Joe Starita, a leader of the visit.

Since March 18, Cuban dictator Fidel Castro has jailed more than 75 Cubans, including many in the recent Varela Project, which collected more than 10,000 signatures last year calling for a pro-democracy referendum.

Castro's latest round of suppression shatters hopes the 76-year-old autocrat will permit meaningful progress toward democracy near the end of his long stay in power.

The people jailed by Castro were guilty only of exercising freedoms—criticism of the government, political activism, independent journalism—that Americans take for granted.

Raul Rivero, a poet and independent journalist, already has been sentenced to 20 years in prison after pre-ordained legal proceedings. Also facing long prison sentences are economist Martha Beatriz Roque, labor activist Pedro Pablo Alvarez and editor Ricardo Gonzalez.

During the crackdown, government officials hauled the dissidents from their homes and confiscated tape recorders, fax machines, computers and clippings from American newspapers.

Amnesty International described the sentences as "a giant step backward for human rights." The U.S. State Department described them as "the most despicable act of political repression in the Americas in a decade." The Human Rights Watch said Cuba is "flouting fundamental human rights norms."

The level of repression in Cuba has fluctuated during the 43 years Castro has held power. In recent years, however, Castro seemed more tolerant of dissent, and he opened the doors of the island nation to tourists and international visitors.

Despite the welcome influx of foreign currency, Castro eventually felt threatened by the opposition movement in Cuba. Adding to Castro's paranoia was encouragement given to Castro's opponents by the American government.

The top U.S. diplomat in Cuba, James Cason, met with dissidents, offered them public support and allowed them to use U.S. facilities in Cuba for their meetings.

If Castro had been willing to continue loosening the reins of power, Cuba could have enjoyed the economic benefits of increased tourism and trade. Instead, his crackdown reaffirms that Castro is nothing more than a garden variety tyrant more interested in clinging to power than improving the lives of his people.

A PROCLAMATION RECOGNIZING
AIMEE NAGLE**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. NEY. Mr. Speaker,